

IN SENATE OF THE UNITED STATES,

FEBRUARY 9, 1826.

Mr. HARRISON, from the Committee on Military Affairs, to whom was referred the petition and accompanying documents of a company of Rangers, commanded by Captain James Bigger, in the years 1813 and 1814,

REPORTED:

That it appears, from the documents accompanying said petition, that the services of the petitioners were accepted by the President in the month of April, 1813, as mounted rangers, for one year; that, on the 29th of May next ensuing, they were mustered into the service of the United States; that until the 20th March, 1814, they were engaged in an active, perilous, and fatiguing service on the frontiers of Indiana, Illinois, and Missouri, having, in that time, performed a campaign to the Mississinaway towns on White River, accompanied General Howard up the Mississippi; and, returning through Illinois, aided in the building of Fort Clark; that, during this tour for want of forage, many of them lost their horses, and were subjected to the expense of purchasing others; that, on their return from the expedition, they were placed in the stations around the frontiers of Indiana, which they had previously occupied, for the protection of the inhabitants, where they remained until sometime in the beginning of March, 1814, when they were ordered to Vincennes by Col. Russell, in pursuance of an order from the General commanding the District, to be dismounted and discharged. It appears that the order for dismounting was to take effect from the 28th day of February, but that the letter calling Bigger's Company to Vincennes, was not written until some days after; that another order from Col. Russell directed them to be mustered on the 13th of March, but that this order was not carried into effect until the 20th of that month. In the body of the muster-roll, they are designated as "mounted rangers" to the 28th of February, and as "dismounted rangers" to the 13th of March. They were then ordered to return to their homes, where they remained until the month of April, when they were again called into the service by Col. Russell, acting under an order from Brigadier General Howard. It appears, that, under this order, the Company was mustered, and entered into actual service on the 16th of May, and that they have been paid to the latter end of that month, which completed the period

of one year, for which they were engaged. The petitioners ask to be paid twenty-five cents per day from the 28th of February to the 13th of March, 1814, being the difference between the compensation of a mounted and a dismounted ranger; and the full pay from the last mentioned day until the 16th of May following, when they again entered into actual service, alleging that they did not consider themselves as legally discharged. To sustain this ground, the affidavits of the Captain, and other respectable individuals of the Company, are produced, showing that they still considered themselves as in the service after their return home from Vincennes. The original letter from Col. Russell to Captain Bigger, of the 28th of April, calling the Company again into service, is also produced. The caption of the muster-roll, made in pursuance of this order, runs thus: "From the 13th of March, when last mustered, until the 1st of June, 1814, and dismissed from the 13th of March until the 15th of May, by order of Col. Russell." After an examination of the facts, as above stated, the Committee were unanimously of opinion, that injustice had been done to the petitioners in not allowing their full pay from the 28th of February to the 13th of March, as they were for that period actually at their stations upon the frontiers, as mounted rangers. They think it also equally clear that they should receive their full pay to the 20th of March, the day upon which they were mustered, and for four days thereafter, the time which it would require them to reach the rendezvous where they were first mustered. This allowance is believed to be both just and in accordance with the practice of the service.

There is somewhat more difficulty in determining upon the pay claimed from the 24th March, to the 16th of May. In the letter of Colonel Russell to Captain Bigger, ordering the company to Vincennes to be mustered, he says, that they are to be dismounted from the 28th February, and "*discharged*." By an endorsement upon the back of the muster roll, they are said to be "*discharged*." But they are not mustered as discharged, and no order to that effect appears to have been issued. The endorsement may have been put upon the roll without authority. The law under which the rangers were brought into service, was passed the 2d of January, 1812. It directs that they shall be engaged for "one year, unless sooner discharged." If Bigger's company were discharged at the time when it was mustered and sent home from Vincennes, they have no further claim upon the public from the 24th March, to the 15th May; the evidence in favor of this opinion is to be found, as above stated, in the letter of Colonel Russell, of the 14th March, 1814, and in the endorsement of the muster roll made on the 20th of that month. But it appears from the letter of the Colonel, of the 28th of April, ordering the company again into service, that he considered it as still subject to his orders, which could not have been the case if they had been discharged. In a letter of the same officer, of the 27th January, 1823, he terms the temporary absence of the company from duty a "furlough, holding themselves in readiness to be called on again," and giving his decided opinion that they should be paid. Upon the whole, the Com-

mittee are of opinion that the law under which the petitioners were brought into the service of the United States did not authorize any temporary dismissal which would suspend their pay as dismounted rangers; they have therefore reported a bill for their relief.

Forasmuch as the company of rangers, which I, the undersigned, had the honor to command, in the years 1813 and 1814, and whose services were accepted by the President of the United States, in April, 1813, and, agreeably, mustered into service on the 29th of May, and the 1st of June of the same year; and whereas their petition has been granted by the House of Representatives, and postponed in the Senate, merely for the purpose of obtaining my certificate thereon: in order to satisfy the honorable the Senate, and all others whom it may concern,

I do hereby certify, that the said company was mustered into the service of the United States on the 29th of May, and 1st of June, 1813, at Charlestown, Indiana, and sent to their several stations on the frontier, by the order of Governor Posey, and ordered to report to Colonel Russell, which was done. They continued on their respective stations until he, the said Colonel, called the whole company, to go with him to the Mississinaway, which the greater part did; when we returned, the Colonel ordered them again to their several stations, where they remained until the latter end of August, when the Colonel ordered the company on to the Illinois, which was done; and they performed a severe campaign, and lost a number of their horses; when they returned, they resumed their stations, and continued until the month of March, when I received a letter from Colonel Russell, dated the 4th of March, ordering the company on to Vincennes, where I was ordered to make out my rolls up to the 13th of March, which I did, although we was not mustered until the 20th of the same month, and we only received pay up to the 13th of March, and if the pay rolls show any thing else, they are not agreeable to the muster rolls. and, moreover, the company was paid only seventy-five cents per day for the thirteen days of March, although they actually had their horses in the service the whole time. And I do further certify, that it was my opinion, that we was not legally discharged, as we received no other discharge but the letter ordering us on to Vincennes; and seeing an order from General Harrison, in the public papers, ordering all officers in the service, to report themselves to the commanding officer of the district to which they belonged, which I did; and shortly after, about the last of April, I received an order from Colonel Russell, ordering me and my company, into service, such as their time had not expired, which order, was obeyed, with a few exceptions, as soon as the nature of the case would admit, and served out the balance of the time, and more, as we was not

mustered out of service until the 2d day of June, 1814, at Jeffersonville by Captain Taylor, by the order of Colonel Russell.

As witness my hand, this 11th day of December, 1818.

JAMES BIGGER.

STATE OF INDIANA, }
Monroe County, Dec. 11, 1818. } ss.

This day James Bigger personally came before me, Lewis Noel, one of the Associate Judges for said county, and made oath that the above was a correct statement, to the best of his knowledge.

Given under my hand this day and date above written.

LEWIS NOEL, A. J. M. C.

STATE OF INDIANA, }
Monroe County. } ss.

I, William Lowe, Clerk of the Circuit Court of said county, do certify that Lewis Noel, before whom the above statement appears to have been sworn to, was, at the time of taking said deposition, and still is, an acting Associate Judge of the Circuit Court of said county, duly qualified and commissioned according to law; and that due faith and credit ought to be given to all his official transactions as such.

WILLIAM LOWE, C. C. M. C.

In order to satisfy the Honorable the Senate and House of Representatives of the United States in Congress assembled, or any of their Honorable Committees, to whom the memorial of Capt. Bigger's Company of Rangers may be referred; we, your memorialists, have thought it necessary to accompany the said memorial with the following attestation, to wit:

In the month of March, 1814, the Company of Mounted Rangers commanded by Captain Bigger, of the Territory of Indiana, was on their respective stations, on the frontiers, with their horses and their necessary equipage, when they were advertised by an order from Col. Russell, to repair immediately to Vincennes: which order was obeyed as soon as the Company could be collected. On the twentieth of the said month, the Company was mustered and paid up to the 13th, with the deduction of 25 cents for the thirteen days of March; they were ordered to their respective homes on the 20th. In the month of April, they were again ordered into service by Col. Russell, to resume their duty on the frontiers; which order was also obeyed, and they remained at their stations until they were ordered to go to Jeffersonville, there to be mustered out of service by Maj. Taylor, to which the Company attended on the first of June, but was not mustered out until the next day, being the second of June, 1814.

JOHN CARR.
 JNO. GIBSON.

State of Indiana, } to wit:
Clark County, }

This day the undersigned of the within, John Carr, acting First Lieutenant under the within named Capt. Bigger, and John Gibson, a private under the same, and made oath that the within statement was true, before me, the undersigned, one of the Justices of the Peace in and for the county aforesaid. Witness my hand and seal, this tenth day of January, 1818.

L. FORD, J. P.

State of Indiana, ss.

I, Isaac Shelby, Clerk of the Circuit Court of Clark County, in the State aforesaid, do certify that Lemuel Ford, Esquire, before whom the within probate of John Carr and John Gibson, appears to have been made, and whose certificate thereof appears above written, is, and was at the time of receiving the same, an Acting Justice of the Peace in and for our said county of Clark, duly elected, commissioned, and qualified; and that full faith and credit, are due to all his official acts, as well in Courts of Justice as thereout.

In testimony whereof, I have hereto subscribed my name and affixed the seal of our said Court, this tenth day of January, 1818.

I. SHELBY, Clerk.

VINCENNES, 4th March, 1814.

SIR: Agreeable to orders I have recently received from General Harrison, all the rangers in Indiana are dismounted, on the last day of February, 1814, and your whole company, together with Captain Bigger's, is disbanded, to take effect from this date.

It will be necessary for your whole company to proceed to this place, as soon as possible, to be mustered out of service, and to receive such pay as the paymaster may have on hand for them.

I am, very respectfully,

Your obedient servant,

J. A. RUSSELL,

Col. 7th, and District Commandant.

N. B. I have written to you so that you may forward on these letters to Dunn and Bigger, as soon as possible, by one of your men, so that arrangements can be made by yourself and the Captain to have them on to this place as early as possible. You will also give the necessary instructions to have Captain Bigger's letter forwarded on to him without delay.

I am yours, &c.

J. A. R.

Lieut. RESTINE,

United States' Rangers.

VINCENNES, 14th March, 1814.

SIR: Agreeable to orders I have recently received from General Harrison, the rangers in Indiana are all dismounted on the last day of February, 1814, and your company, together with Captain Dunn's, is to be discharged, to take effect from this date. It will be necessary for both companies to proceed to this place as soon as possible, to be mustered out of service, and to receive such pay as the paymaster may have on hand for them.

I am, very respectfully, &c.

J. A. RUSSELL,

Col. 7th, and District Commandant.

Capt. JAMES BIGGER, *U. S. Rangers.*

VINCENNES, 28th April, 1814.

SIR: In obedience to orders I have recently received, you will, without delay, proceed to order any of your men into service whose times have not expired, and the balance of the company you will proceed to recruit, until you complete your company, agreeable to the law of Congress for that purpose. Your company will all be mounted, equipped with a suitable horse, gun, and tomahawk. It is expected that none will be selected but such as are capable of performing this duty; and, so soon as you have completed your company, you will notify me, and I will have an officer of the army ready to have them inspected and mustered into service, and immediately placed on duty.

In haste, I have the honor to be your obedient servant,

J. A. RUSSELL, *Col. 7th,*

And District Commandant.

Capt. JAMES BIGGER, *U. S. Rangers.*

VINCENNES, 20th May, 1814.

SIR: Your letter of the 15th has been received, and I hasten to answer it. Major Taylor will proceed to Jeffersonville, and will be able to meet you by the 1st of June, and muster those men out of service whose times have expired; and, at the same time, muster as many into service as will complete your company, agreeable to the present establishment. Those of your company whose times have not as yet expired can be discharged, and, at the same time, re-enlisted.

I have nothing here new or interesting—no Indian signs on our frontier since those at Fort Harrison.

I am, very respectfully, your obedient servant.

J. A. RUSSELL, *Col. 7th,*

And District Commandant.

Capt. JAMES BIGGER, *U. S. Rangers.*

MOUNT BRILLIANT, 3d February, 1816.

DEAR SIR: Your letter of the 17th December has been received, but my indisposition has hitherto prevented me from answering it. In obedience to an order received from General Harrison I was directed to disband a part of the rangers then in service; and, afterwards directed by Gen. Howard, to the best of my recollection, to call said company into actual service again, but, sir, the dates, as respects their going out of service and being called into again, has quite slipped my memory, not having those orders by me at the present, all being left at Vincennes. I should suppose the shortest course, at the present, would be to call on Captain Bigger for his order from me, which would, probably, be satisfactory to the Committee.

I have the honor to be your obedient servant.

J. A. RUSSELL.

Hon. JONATHAN JENNINGS.

Washington City.

MOUNT BRILLIANT, KY. 27th January, 1823.

SIR: Your letter of the 7th has been received a few days ago, and now I hasten to answer it. I have looked for the order from General Harrison, for ordering Capt. Bigger's company on furlough, but am not able to find it; however, it is notorious in Indiana that there was such an order. The men returned to their homes and remained some time, holding themselves in readiness to be called on again. They were called on by a second order, and obeyed the call, and went into service and served out their time. The propriety of the order is not for me to say, but am clear of the opinion that the said company is entitled to their pay, if they have not received it. On this subject you can receive information from Captain Whitlock's muster roll, as I have no documents by me that will give me any information on those subjects, and would advise you to write the Captain immediately, and he will be able to inform the time the company were at home on furlough, and also say whether or not the men have been paid for that term.

In haste, I have the honor to be your obedient servant.

J. A. RUSSELL.

Hon. JONATHAN JENNINGS,

Washington City.

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